



1646

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/943,075
	Filing Date	08/30/2001
	First Named Inventor	Steven N. Popoff
	Group Art Unit	1646
	Examiner Name	Andres, Janet L.
Total Number of Pages in This Submission	Attorney Docket Number	PFI-015/71369.262

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Postcard Response to Restriction Requirement
Remarks		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Ann-Louise Kerner, Ph.D., Reg. No. 33,523
Signature	<i>Ann-Louise Kerner</i>
Date	01/23/2003

CERTIFICATE OF MAILING			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. PFI-015/71369.262

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5 Applicant: Steven N. Popoff) Art Unit: 1646
Serial No.: 09/943,075) Examiner: Andres, Janet I
Filed: August 30, 2001)
10 Entitled: OSTEOACTIVIN PROTEIN AND NUCLEIC ACIDS ENCODING THE SAME,
COMPOSITIONS AND METHODS OF STIMULATING BONE
DIFFERENTIATION

15 CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

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20 Date

01/23/03

Kelly A. Ferreira
Kelly A. Ferreira

Assistant Commissioner for Patents
Washington, D.C. 20231

25 RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Dear Sir:

Applicants hereby respond to the Office Action dated December 31, 2002, which detailed a Restriction Requirement under 35 U.S.C. § 121. The Office Action contained a ten-way Restriction Requirement.

30 Applicants elect the claims in Group I, claims 1-5, 9, 10, 14-16, 20, 27, 29-31, and 39-42, drawn to rat polynucleotides, means of expression and methods of use, with traverse.

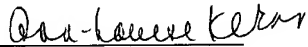
Applicants contend that the subject matter of Groups I-X, including all of the pending claims, relates to osteoactivin, and therefore, the claims relate to only one invention. Alternatively, the claims may be considered to be linked to osteoactivin as a single general
35 inventive concept. Furthermore, search and examination of the entire application could be made without serious burden.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the Restriction Requirement.

No fees are believed to be due in connection with this correspondence. However, please charge any payments due or credit any overpayments to our Deposit Account No. 08-0219.

5 The Examiner is encouraged to telephone the undersigned in order to expedite the prosecution of the instant application.

Respectfully submitted,


Ann-Louise Kerner, Ph.D.
Attorney for Applicant
Reg. No. 33,523

Dated: January 23, 2003

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